

Water Facts

State of California
The Resources Agency
**Department of
Water Resources**



Groundwater Management Districts or Agencies in California

The State of California is not authorized by the California State Water Code to manage groundwater. California landowners have a correlative right to extract as much groundwater as they can put to beneficial use. In some basins, that correlative right has been defined by a court. In other basins, the correlative right has not yet been defined. Groundwater management programs have usually been developed on an ad hoc basis in response to local initiative through local agencies, adjudication, and districts formed by special legislation. Two additional methods have recently become available: 1) AB 3030 (Water Code Section 10750 et seq) allows certain existing local agencies to manage groundwater; and 2) city and county ordinances. This Water Facts explains groundwater management by adjudication. For information about other types of groundwater management, please consult other Water Facts.

Water Facts are short reports on water resources issues of general interest. They are published periodically by the California Department of Water Resources and can be obtained free by contacting DWR Bulletins & Reports, P.O. Box 942836, Sacramento, CA 94236-0001; 916/653-1097.

Existing Groundwater Management Districts or Agencies

The California Legislature has enacted statutes establishing several groundwater management districts or agencies that can enact ordinances to regulate the amount of groundwater that is extracted and limit its place of use within the district boundaries. The groundwater management districts or agencies are:

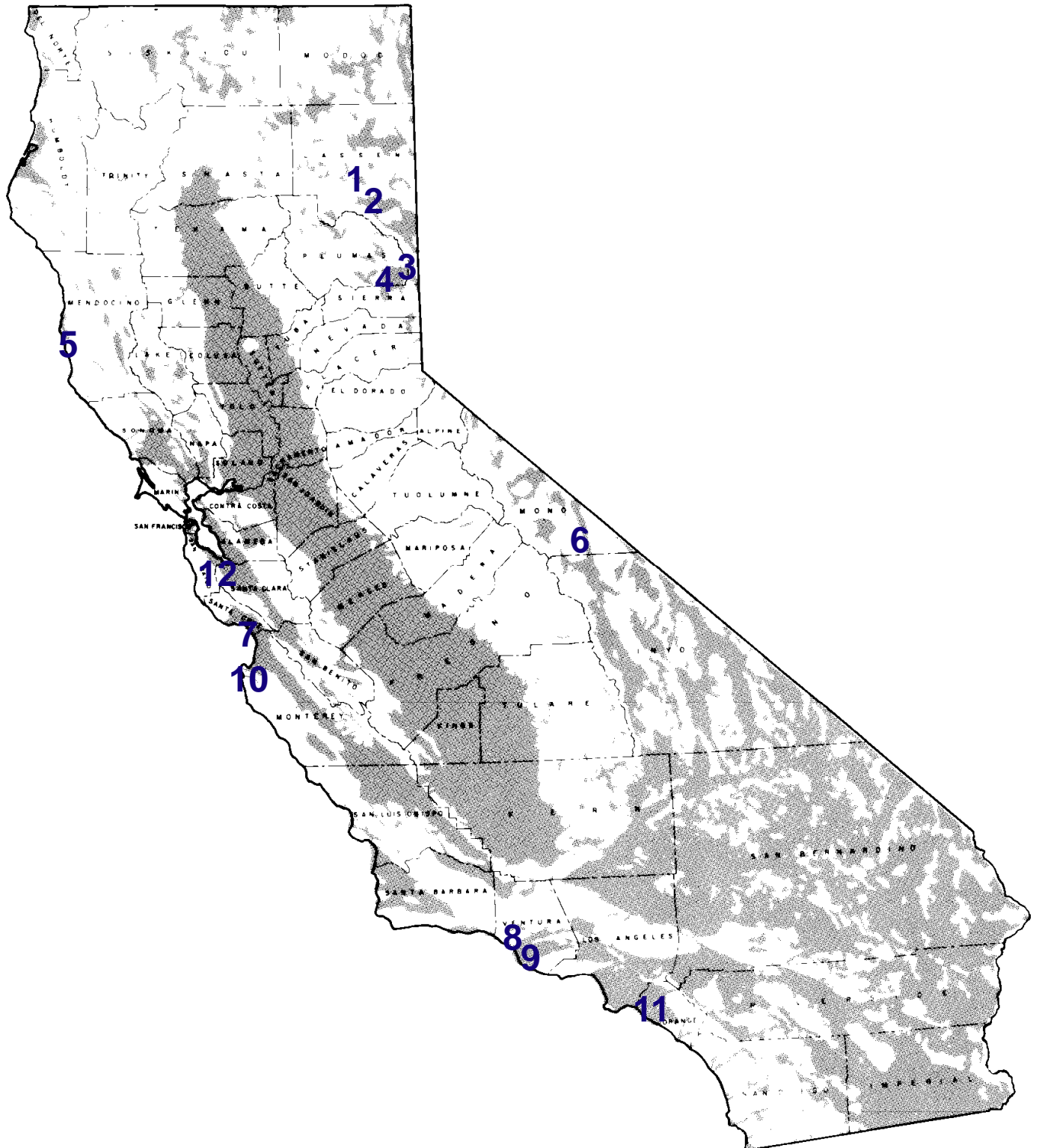
1—Willow Creek Groundwater Management Agency, Lassen County—Legislation enacted in 1993; board appointed in 1994.

2—Honey Lake Valley Groundwater Management District, Lassen County—was created by State legislation in 1989; board members have not yet been appointed.

3—Long Valley Groundwater Management District, Lassen and Sierra counties—has adopted an ordinance that requires a permit to export groundwater outside the basin. Legislation enacted in 1980; board appointed in 1985.

4—Sierra Valley Groundwater Management District, Sierra County—adopted an ordinance that limited the amount of groundwater that could be extracted. One landowner challenged the ordinance in court and the district repealed the ordinance. The district is now calling for voluntary reduction of extraction and submission of records on the amount of reduction. Legislation enacted in 1980; board appointed in 1981.

5—Mendocino City Community Services District, Mendocino County—has adopted an



ordinance regulating groundwater extraction whenever a new well is built or the amount of water extracted from an existing well is increased. Formed in 1971; groundwater authority enacted in 1987; ordinance adopted in 1990.

6—Mono County Tri-Valley Groundwater Management District, Mono County—has appointed board members and they are reviewing several proposals to export water from the district. They recently voted to establish a monitoring program. Legislation enacted in 1989; board appointed in 1990.

7—Pájaro Valley Water Management Agency, Santa Cruz County—has adopted a basin management plan that addresses groundwater extraction and surface water imports to help control nitrate contamination and sea water intrusion. Legislation enacted in 1984; board elected in 1984.

8—Ojai Groundwater Management Agency, Ventura County—was formed by legislation signed by the governor in 1991. This agency was formed before the area developed any specific groundwater problems. They are now considering a groundwater management plan. Legislation enacted in 1991; board appointed in 1993.

9—Fox Canyon Groundwater Management Agency, Ventura County—has adopted an ordinance that prohibits export of groundwater outside the lateral boundaries of the aquifer. The agency is working with United Water Conservation District to reduce sea water intrusion and inter-aquifer contamination. Legislation enacted in 1982; board appointed in 1983.

10—Monterey Peninsula Water Management District, Monterey County—formed in 1947.

Two other districts rely on surface water or imported water and can levy pump taxes to regulate groundwater extraction, but they have no statutory authority to regulate groundwater extraction by ordinance. These districts are:

11—Orange County Water District, Orange County—formed in 1933.

12—Santa Clara Valley Water District, Santa Clara County—formed in 1951.

Establishing a Groundwater Management District or Agency

In California, groundwater management districts or agencies with special powers to regulate groundwater extraction can be formed only after special legislation is enacted by the State Legislature. There is no generic groundwater management district act in the State Water Code.

Legislation that formed most of the 10 existing groundwater management districts was successfully enacted by the Legislature only after several years of effort on the part of landowners and other citizens in the affected areas. Observation of the process leading to formation of several groundwater management districts leads to the conclusion that the process was essentially the same in each case.

This process begins with a perception of need, and then moves to understanding basic concepts, legislative reality, and finally, to district formation. The basic common steps are:

- ▼ perception of a need and contact with Legislators;
- ▼ formation of a citizens' committee that includes all local points of view;
- ▼ education of citizens about water supply issues and particularly groundwater;
- ▼ data gathering;
- ▼ introduction of a bill in the Legislature;
- ▼ attempt to reach local consensus;
- ▼ "Let's forget the whole thing!";
- ▼ reach local consensus;
- ▼ passage of special legislation to form a groundwater management district; and
- ▼ formation of the district and appointment of district board members.

It has generally taken about five years from the time a group starts meeting until the first official meeting of the district board. A better understanding of the process involved would probably shorten the time between "perception of need" and "formation of the district."

Funding mechanisms to raise revenue to support the data collection and evaluation that are necessary to effectively manage groundwater recharge, extraction, and contamination have not always been acceptable to all landowners. The unanswered questions are "Can groundwater management agencies be effective?" or "Is the formation of a groundwater management district merely a prelude to adjudication?" (See *Water Facts, Number 3, Adjudicated Groundwater Basins in California.*)

Other Statutory Methods to Manage Groundwater

1. In 1991, provisions were added to the State Water Code (AB 255) authorizing local public agencies in any of the 11 groundwater basins identified in DWR Bulletin 118-80, *Groundwater Basins in California*, as critically overdrafted to undertake some management of groundwater (State Water Code Section 10750 et seq.).

In 1992, that part of the State Water Code was repealed and a section was added, State Water Code Section 10750 et seq. (AB 3030), to allow certain local agencies that can deal with water to form a groundwater management plan. The local agency has to lie within a groundwater basin as defined in DWR Bulletin 118 or subsequent editions of that bulletin. Such a public agency, subject to notice, hearing and protest requirements, may adopt and implement a groundwater management plan and

may exercise the powers of a water replenishment district to raise revenue.

Unlike the groundwater management agencies discussed in this *Water Facts*, agencies that develop and implement a groundwater management plan in accordance with Water Code Section 10750 (AB 3030) must already exist. They would not be a *new* and *additional* agency especially created for groundwater management. It is not known whether action in accordance with AB 3030 will eliminate the need for additional groundwater management agencies.

2. Many other existing districts dealing with water in California have some statutory authority relating to groundwater extraction and groundwater recharge. That authority may allow the districts to raise revenue through assessments as well as by charging fees for groundwater extraction and for groundwater recharge. These water charges, general assessments, or replenishment assessments are commonly called a "pump tax." It is not known how many of these districts have delineated the zones of benefits that would allow them to charge for either extraction or recharge.

3. Recent case law indicates that State law does not prevent cities and counties from adopting ordinances to manage groundwater. The nature and extent of the police power of cities and counties to regulate groundwater is presently uncertain.

Where do you get more information?

For further information on groundwater management in California, contact any one of the following California Department of Water Resources' offices:

Northern District
2440 Main Street
Red Bluff, CA 96080

916/529-7323

Central District
3251 "S" Street
Sacramento, CA 95816-7017

916/322-7164

San Joaquin District
3374 E. Shields Avenue
Fresno, CA 93726

209/445-5481

Southern District **818/543-4600**
770 Fairmont Avenue
P.O. Box 29068 (91209-9068)
Glendale, CA 91203-1035

Division of Local Assistance **916/327-8861**
1020—9th Street
P.O. Box 942836 (94236-0001)
Sacramento, CA 95814